

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

ORIGINAL  
RECEIVED  
SEP 6 2006

Illinois Commerce Commission  
RAIL SAFETY SECTION

City of Rockford, IL,

Petitioner,

v.

State of Illinois – Department of Transportation,  
Union Pacific Railroad Company, and Chicago,  
Central and Pacific Railroad Company,

Respondents.

Petition seeking an order from the Illinois Commerce  
Commission authorizing the removal and  
replacement of the dual grade separation structures  
situated over the Union Pacific Railroad tracks (DOT  
No. 174655V, Railroad Milepost 89.52) and the  
Chicago, Central and Pacific Railroad tracks (DOT No.  
290013Y, Railroad Milepost W83.05) located  
approximately 1500' east of 20<sup>th</sup> Street on Harrison  
Avenue in Rockford, Winnebago County, Illinois and  
requesting that a substantial portion of the project  
cost be borne by the Grade Crossing Protection Fund.

Docket No. T06-0077

**RESPONSE TO PETITION**

Now come Chicago, Central and Pacific Railroad Company ("CC&P") with its  
Response to the Petition of the City of Rockford in this Docket, and states as  
follows:

1. Admit.
2. CC&P lacks sufficient information to admit or deny the allegation in  
paragraph 2 of the Petition.
3. CC&P lacks sufficient information to admit or deny the allegation in  
paragraph 3 of the Petition.

**DOCKETED**

SEP - 7 2006

4. Admit.
5. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 5 of the Petition, with the exception of the allegation that CC&P's milepost is W83.05, which allegation is admitted.
6. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 6 of the Petition, except that CC&P.
7. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 7 of the Petition.
8. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 8 of the Petition.
9. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 9 of the Petition.
10. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 10 of the Petition.
11. CC&P lacks sufficient information to admit or deny the allegation in Paragraph 11 of the Petition.

#### **POSITION OF CC&P**

1. CC&P has no objection to the relief requested by the City of Rockford in this docket, so long as:
  - a. detailed engineering plans for any overhead structures that are to be constructed as a result hereof are submitted for CC&P's prior review for compliance with applicable overhead structure and other standards, and CC&P is appropriately compensated for its review of same;
  - b. any additional easements, licenses, property rights, or rights of entry necessary for accomplishing said work are granted pursuant to written agreements negotiated with CC&P (including standard indemnity and insurance provisions);
  - c. CC&P is not responsible for maintenance or capital replacement for any structure built pursuant to this docket;

d. CC&P is not allocated any portion of the cost of constructing any structure built pursuant to this docket; and

e. CC&P is compensation for actual costs incurred for any necessary relocation of utilities, signals, or other wirelines, pipelines, or structures.

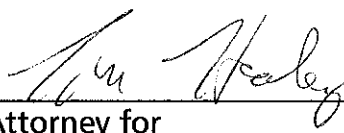
WHEREFORE, CC&P, respectfully requests that the Commission:

a) Grant the relief sought by the City of Rockford in accordance with the Position of CC&P stated above; and

b) Provide such other and further relief as the Commission deems just and appropriate.

CHICAGO, CENTRAL AND PACIFIC  
RAILROAD COMPANY

By: \_\_\_\_\_

  
Attorney for  
Chicago, Central and Pacific  
Railroad Company

Dated: September 1, 2006

Thomas J. Healey  
Attorney for  
Chicago, Central and Pacific  
Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430  
Tel: (708) 332-4381  
Fax: (708) 332-4361

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

City of Rockford, IL,

Petitioner,

v.

State of Illinois – Department of Transportation,  
Union Pacific Railroad Company, and Chicago,  
Central and Pacific Railroad Company,

Respondents.

Petition seeking an order from the Illinois Commerce  
Commission authorizing the removal and  
replacement of the dual grade separation structures  
situated over the Union Pacific Railroad tracks (DOT  
No. 174655V, Railroad Milepost 89.52) and the  
Chicago, Central and Pacific Railroad tracks (DOT No.  
290013Y, Railroad Milepost W83.05) located  
approximately 1500' east of 20<sup>th</sup> Street on Harrison  
Avenue in Rockford, Winnebago County, Illinois and  
requesting that a substantial portion of the project  
cost be borne by the Grade Crossing Protection Fund.

Docket No. T06-0077

**NOTICE OF FILING**

Mr. John Bernice, Manager Special  
Projects, Union Pacific Railroad Company,  
301 W. Lake Street, North Lake, IL 60164

Mack Shumate, Counsel, Union Pacific  
Railroad Company, 101 N. Wacker Drive,  
Suite 1920, Chicago, IL 60606

Mr. Frank Nauman, Project Manager,  
Hanson Professional Services, Inc., 6775  
Fincham Drive, Rockford, IL 61108

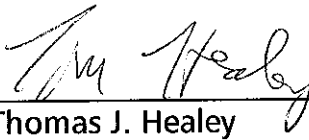
Mr. Jason Nelson, District 2 Local Roads  
Engineer, Illinois Department of  
Transportation, 819 Depot Avenue, Dixon, IL  
61021

Mr. Patrick Hayes, Director, Legal  
Department, City of Rockford, 425 E.  
State Street, Rockford, IL 61104

Ellen Schanzle-Haskins, Chief Counsel, Illinois  
Department of Transportation, 2300 S.  
Dirksen Parkway, Springfield, IL, 62764

PLEASE TAKE NOTICE that we have on this 1<sup>st</sup> day of September, 2006, sent for filing with the Illinois Commerce Commission, the attached Appearance and Response to Petition of City of Rockford in the above captioned matter, a copy of which is hereby served upon you.

CHICAGO, CENTRAL AND PACIFIC  
RAILROAD COMPANY

By:   
Thomas J. Healey  
Attorney for  
Chicago, Central and Pacific  
Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430  
Tel: (708) 332-4381  
Fax: (708) 332-4361